

SECTION 13 - LEAD-BASED PAINT

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Synopsis

NOTE: This section is promulgated to ensure NWS personnel and their families who may use NWS-provided residences containing lead-based paint (LBP) are knowledgeable of the risks presented. It is also provided to ensure NWS personnel understand the requirements for removal of LBP from NWS facilities.

Initial Implementation Requirements:

- Designate an Individual to Coordinate the Lead Based Paint Effort (13.5.1)
- Compare Site/Facility Operations with the Requirements of this Section
 - If the facility was built prior to 1978, perform a facility survey to confirm the presence or absence of lead-based paint (13.5.2).
 - If lead-based paint is present in NWS-provided housing, ensure NWS employees and their families are provided with the lead-based paint disclosure forms and the pamphlet Protect Your Family from Lead in Your Home (13.5.3).
- If Removal is Attempted:
 - Ensure contractors hired to remove lead-based paint have taken the required EPA Lead-Based Paint Removal Course (13.5.4).
 - Ensure lead-based paint residue is disposed in accord with EPA/State regulations (13.6).

Recurring and Annual Task Requirements:

- Ensure all new NWS Employees and Their Families are provided with the Lead-Based Paint Disclosure forms and the Pamphlet Protect Your Family from Lead in Your Home (13.5.3) (if required).

Lead-Based Paint Checklist	YES	NO	N/A
1. Was the facility or work site built before 1978? (13.5.1)	—	—	—
2. If it was built prior to 1978, has a lead-based paint survey been performed? (13.5.2)	—	—	—
3. If yes, has a Lead-Based Paint Coordinator been appointed?	—	—	—
4. If NWS provided housing, have the affected employees been notified of the presence of lead-based paint and provided the pamphlet Protect Your Family From Lead in Your Home? (13.5.3)	—	—	—
5. If removal of the lead-based paint is planned, are procedures in place to ensure:			
a. Contractor personnel have taken the required EPA Lead-Based Paint Removal Course? (13.5.4)	—	—	—
b. The residues are disposed in accord with EPA/State regulations? (13.6)	—	—	—

SECTION 13 - LEAD-BASED PAINT

13.1 Purpose and Scope

Until 1978, paint formulators relied on lead oxide for the base pigment (coloring) used in paint. The purpose for this section is to ensure the NWS employees and their families who may be exposed to these coatings are protected. The section applies to all NWS facilities, work sites and employee housing where lead-based paint was applied.

Because the ban only applied to paint used in residential applications and did not include paint used in commercial applications, lead based paint is still being used in some commercial applications. For instance the walls in upper air buildings and other painted structures and equipment may have lead paint.

13.2 Definitions

Lead-Based Paint	Lead-Based paint, as defined by the EPA in 40 CFR 745.103 (2) - paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight. It was manufactured prior to 1978.
Operating Unit	Includes the National Centers for Environmental Prediction (NCEP), National Data Buoy Center (NDBC), NWS Training Center (NWSTC), National Reconditioning Center (NRC), National Logistics Support Center (NLSC), Radar Operations Center (ROC) or the Sterling Field Support Center (SFSC).
Station Manager	For the purpose of this procedure, the Station Manager shall be either the NWS Regional Director; NCEP Director; Directors of Centers under NCEP (Aviation Weather Center, NP6; Storm Prediction Center, NP7; Tropical Prediction Center, NP8, and Space Weather Prediction Center, NP9); Directors of the NDBC, NWSTC, and Chiefs of NRC, ROC and SFSC facilities; or Meteorologist in Charge (MIC), Hydrologist in Charge (HIC), or Official in Charge (OIC).

13.3 Acronyms Employed in This Section

CPSC	Consumer Product Safety Commission
EPA	Environmental Protection Agency
HUD	Department of Housing and Urban Development
LBP	Lead-Based Paint
SECO	NOAA Safety and Environmental Compliance Office
NLIC	National Lead Information Clearinghouse
NOAA	National Oceanic & Atmospheric Administration

NWS	National Weather Service
NWSH	National Weather Service Headquarters
XRF	X-ray Spectrophotometer

13.4 Regulatory Requirements

13.4.1 Federal Programs

The Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, required the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) to require the disclosure of known information on lead-based paint and its hazards before the sale or lease of most housing built before 1978. For those operations that have decided to remove these coatings, the EPA has also promulgated rules governing the removal and disposal of this paint and the items it coats.

13.4.2 State Programs

The EPA has authorized several States to run their own lead-based paint programs based on the EPA-provided program. As a result, NWS facilities that have housing built prior to 1978 must contact the NWS Regional/Operating Unit Environmental/Safety Coordinator and/or the NWSH environmental and safety staff to determine if a State lead-based paint program is in effect.

13.4.3 National Weather Service

While the National Weather Service (NWS) does not sell or lease housing in the legal sense, it has decided to voluntarily comply with these requirements to ensure NWS personnel and their families understand the risk presented by this material.

13.5 Lead-Based Paint Control/Removal Program

13.5.1 Appoint a Coordinator

If an NWS facility has a building, structure, or worksite built before 1978, the Station Manager will appoint a Lead Based Paint Coordinator to investigate the presence of lead based paint and, if found, initiate and maintain a control program. For buildings built after this date, a lead test will be done before construction activity or if the painted surface is in poor condition.

13.5.2 Facility Survey

For NWS housing structures built prior to 1978, a survey must be performed to determine the presence and location of lead-based paint used within the structure(s). The individuals and firms performing this work must be certified by the EPA. To arrange for this testing, contact the NWS Regional/Operating Unit Environmental/Safety Coordinator, and/or the NWSH environmental and safety staff.

The testing can be done in two different ways. Either samples of paint (chips) can be removed and sent to a laboratory for analysis or an instrument called an X-ray Spectrophotometer (XRF) can be brought to the site to provide almost instantaneous on-the-spot measurements. The XRF

is a faster method however, because the instrument uses a low-level radioactive source, State laws governing the use and licensing of such sources must be investigated prior to use on a NWS site. If required by the State, ensure the contractor has the required license.

13.5.3 Lead-Based Paint Information Program

For all housing facilities found to contain lead-based paint, the NWS Lead-Based Paint Program Coordinator must provide the tenants with information detailing the known lead-based paint hazards and a pamphlet developed by the EPA, HUD and the Consumer Product Safety Commission (CPSC) titled, “Protect Your Family from Lead in Your Home” must be provided to all NWS personnel using this housing.

NOTE: The sample disclosure forms and the pamphlet, “Protect Your Family from Lead in Your Home” can be obtained by calling the National Lead Information Clearinghouse (NLIC) at (800) 424-LEAD (800-424-5323) or from this link:
<https://www.epa.gov/lead/protect-your-family-lead-your-home-real-estate-disclosure>

13.5.4 Lead-Based Paint Removal

Effective August 29, 1998, the EPA required anyone who removes lead-based paint to partake in an EPA-approved lead-based paint program. The original implementation date in 1996 was delayed to allow States and Indian Tribes to apply and receive authorization to run their own programs. As a result, depending on the location of the facility where the lead-based paint is to be removed, the personnel involved in the removal process will be required to have attended either an EPA or a State-certified lead-based paint removal course.

40 CFR 747.227 details the standards required for conducting lead-based paint activities including the inspection, removal, testing and other allowed activities. The EPA is required to be notified of any abatement activities in residential properties or child-occupied facilities by the certified firm performing the work at least 5-business days prior to the commencement of the activity.

13.6 Residue Disposal

The debris from the removal of lead-based paint meets the lead toxicity characteristic (D008) and therefore it should be managed as a hazardous waste. Because the EPA has found this to be an impediment for homeowners and other building owners, the EPA has tried to devise ways around this problem. If the lead-based paint residue is removed from a residence - even NWS-owned residences - the residue can be disposed as a solid waste (garbage) under the household hazardous waste exemption in 40 CFR 261.4(b) (1). However, State regulations should be checked. If the residue is removed from a building that does not meet the definition of a household, this exemption does not apply and this residue must be managed as a hazardous waste.

13.7 Responsibilities

13.7.1 NWS Headquarters (NWSH)

- a. NWSH will coordinate with SECO, as necessary, regarding compliance issues related to this section.
- b. The NWSH Environmental/Safety Office will provide assistance to Regional Headquarters, Operating Unit, and field personnel to ensure that NWS facilities comply with requirements of this section.

13.7.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Will monitor and promote compliance with the requirements of this section at field offices or Operating Unit facilities.
- b. Will ensure that applicable procedures are implemented at regional headquarters or Operating Unit facilities.

13.7.3 Station Manager

- a. Will have oversight over the implementation of this section and ensure that the requirements of this section are followed by individuals at the NWS facility (if applicable).
- b. Will ensure sufficient personnel and funding are available to enable compliance with all requirements of this section (if applicable).
- c. Will ensure that resident lead-based paint notifications are provided to residents of NWS housing units contaminated with lead-based paint (if applicable).
- d. Will review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review will be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.

13.7.4 Environmental or Environmental/Safety Focal Point or Designated Person

- a. Will ensure any tasks delegated to them by the Station Manager are implemented in accordance with the requirements of this section.
- b. Will ensure copies of the lead-based paint disclosure forms and the pamphlet “Protect Your Family from Lead in Your Home” are available and provided to new residents of NWS housing known to be contaminated with lead-based paint or built before 1978 that have not had a lead-based paint inspection indicating that lead-based paint is not present.

13.7.5 Employees

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Safety Focal Point.

13.8 References

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

13.8.1 U.S. Environmental Protection Agency

40 CFR	261	Identification and Listing of Hazardous Waste
	.4	Exclusions:
		Solid wastes which are not hazardous wastes
		1) Household waste